IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3936 OF 2004
IN
CRIMINAL APPEAL NO. 1063 OF 2004

Ravikant alias Munna Bhaskar Patil. ...Applicant.
(Orig. Accused No.3)

V/s

State of Maharashtra ...Respondent.

Mr. S.V. Marwadi for the applicant.

Mr. A.M. Shringarpure, APP for the respondent - State.

CORAM: V.M.KANADE,J.

DATE: 20th September, 2004.

PC:.

1. Heard the learned Counsel appearing on behalf of the applicant and the learned APP for the respondent - State.

2. Applicant is convicted under section 324 of the I.P.C. and sentenced to suffer R.I. for two years with fine of Rs 500/- and in default to suffer S.I. for two months. Applicant was on bail in the Trial Court.

3. It is submitted by the learned Counsel appearing on behalf of the applicant that the Trial Court has

not taken into consideration the material omissions and contradictions in the evidence of the complainant. He submitted that even the medical evidence does not support the case of the prosecution.

4. The Trial Court, though it comes to the conclusion that there were no injuries on the vital parts, has convicted the applicant for lesser offence without taking into consideration the material omissions and the discrepancy in the medical evidence. Applicant is, therefore, entitled to be released on bail. He is released on bail on the same terms and conditions as imposed by the Trial Court. He shall furnish fresh bond. However he shall report to the Khar Police Station once in a week, pending the hearing and final disposal of the appeal.

V.M. KANADE, J.